



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

September 10, 2024

**By ECF**

Honorable Valerie Figueredo  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *McCutcheon v. Haaland*, 20 Civ. 10616 (VF)

Application Granted



Valerie Figueredo, U.S.M.J.

DATED: 9-17-2024

The conference scheduled for Wednesday,  
September 18, 2024 at 2:00pm is adjourned.

Dear Judge Figueredo:

This Office represents Secretary of the Interior Debra Haaland (the “Government”), in this employment discrimination matter brought by plaintiff David McCutcheon (“Plaintiff”). Pursuant to this Court’s Individual Practices, I write respectfully to request an adjournment of the telephonic discovery conference currently scheduled for September 18, 2024 at 2:00pm (ECF No. 78), to a date and time convenient for the Court after September 23, 2024. This is the first request for an adjournment of this discovery conference. The adjournment is requested because the undersigned will be out of the country from September 16, 2024, through September 23, 2024.

I have conferred with Plaintiff, who is currently proceeding *pro se* in this matter, and he has consented to the Government’s request for an adjournment of the conference. The undersigned is available on September 24 and September 25 from 10:00am to 5:00pm, for a rescheduled discovery conference. Plaintiff has not provided availability for a rescheduled conference, and he has indicated that he does not have the ability to join a teleconference during his working hours. He also stated that he submitted a letter to the Court dated August 28, 2024, to provide the status of his search for new counsel and to request an extension to at least the end of October 2024 or November 2024, to retain an appropriate replacement counsel.<sup>1</sup>

<sup>1</sup> This letter does not appear on the docket, but a copy of the letter is attached hereto.

Thank you for your consideration of this request.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: /s/ David Farber  
DAVID E. FARBER  
Assistant United States Attorney  
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CC: David McCutcheon  
100-26 67th Road, Apt. 1C  
Forest Hills, NY 11375  
(by certified mail and email)

Attention: The Clerk of Court for Ms. Valerie Figueredo, United States Magistrate Judge

Mailing Address: United States District Court, Southern District of New York. U.S. The Daniel Patrick Moynihan Courthouse Building. 500 Pearl Street, New York, NY 10007-1312

From: Dave McCutcheon, Plaintiff, 100-26 67<sup>th</sup> Rd. Apt. 1C. Forest Hills, NY 11375  
Cell phone no: (917) 929-3609

Subject: Request extension to end of November 2024 on retaining a new counsel in response to your letter: 20-CV-10616(GHW)(VF), dated on July 16, 2024 in the attachment.

Date: August 28, 2024

Dear Magistrate Judge Valerie Figueredo,

My previous counsel, Mr. John Scola, had been handling my case since earlier 2020 till June 2024 across over 4 years, which the amount of events, status and supporting materials requires tremendous efforts and consideration for transitioning my case to a successor counsel. Since I returned home last month in the mid of July 2024, and upon your request, I have been and still in the process on actively seeking , negotiating to determine an appropriate counsel to represent my case which I mentioned above that my case had filed and investigated across over 4 years now.

Please kindly consider and grant me an extension at least to the end of October or November 2024 to retain an appropriate replacement counsel. I am anxiously waiting for your further notification through mailing, and/or a phone voice message to me at (917) 929-3609.

Best Regards,

Dave McCutcheon